

August 14, 2001

FACT SHEET

WITHDRAWAL OF AMENDMENT COVERING MONITORING OF CERTAIN AIR POLLUTANTS FROM STATIONARY SOURCES

TODAY'S ACTION

- ! In response to a petition for judicial review submitted by the Appalachian Power Company, the Environmental Protection Agency (EPA) is withdrawing an amendment to the general opacity provisions of the New Source Performance Standards (NSPS) concerning opacity monitoring at stationary sources of air pollutants. EPA had originally issued this amendment on October 17, 2000.

- ! In its petition, the Appalachian Power Company stated that the amendment went beyond the intent of the rulemaking by making a substantive change in a non-substantive rulemaking. EPA agrees that the increased monitoring required by the amendment could be considered a substantial change in some cases over the former requirement. Therefore the Agency is issuing this direct final rule to withdraw the amendment.

BACKGROUND

- ! Under the Clean Air Act, EPA is required to set "new source performance standards" to ensure that air emissions from newly built or reconstructed industrial facilities meet strict limits. These limits are generally more stringent than emission limits set for existing facilities already in operation.

- ! The original provision gives general requirements for all facilities subject to New Source Performance Standards that require opacity monitoring. The provision explains how opacity is determined in the event emissions from two regulated sources are combined into a single emission point. The October 2000 amendment was an attempt to add explicit language where it was lacking in the original provision. EPA later realized that the amended language inadvertently added new requirements for certain facilities.

- ! EPA's Testing and Monitoring Provisions rule, as amended in October 2000, applies to facilities that are required to install continuous opacity monitors on air pollutant emission streams. (Opacity is a measurement of a facility's visual emissions or the degree to which its

smoke obscures a background by reducing the amount of light that passes through it. Smoke is generally a public nuisance and may be a health nuisance. Opacity monitoring is often required under new source performance standards as a surrogate measure for particulate matter emissions.)

- ! If a facility has two or more air emission streams and monitors opacity on each then are combines the emissions before releasing them to the atmosphere, the amended rule requires the owners/operators to install a combined emissions monitoring system composed of opacity and flow monitors.
- ! The provision prior to the October 2000 amendment only implied the need for flow measurement. Many facilities objected to the amendment's specific requirement for flow monitors and would like to use other methods they have traditionally employed to apportion flow from the individual stacks. EPA will evaluate the adequacy to these traditional methods and will make any needed rule amendments in a future rulemaking.

WHO WILL BE AFFECTED BY THE WITHDRAWN AMENDMENT?

- ! This withdrawal would affect industrial facilities currently subject to EPA's New Source Performance Standard for opacity who combine the effluents from more than one affected facility into a single stack but choose to monitor opacity from the individual stacks.

FOR MORE INFORMATION...

- ! Interested parties can download the rule from EPA's web site on the Internet under recent actions at the following addresses: <http://www.epa.gov/ttn/oarpg> and <http://www.epa.gov/ttn/emc> . For further information about the rulemaking, contact Foston Curtis at EPA's Office of Air Quality Planning and Standards at (919) 541-1063.
- ! EPA's Office of Air and Radiation's homepage on the Internet contains a wide range of information on many air pollution programs and issues. The Office of Air and Radiation's homepage address is: <http://www.epa.gov/oar/>.